

Remarks

The Official Action rejected claims 1-13, 15-19, 21 and 23-29. Applicant respectfully requests reconsideration and allowance of the pending claims in the light of the points that follow.

Claims Rejections Under 35 U.S.C. 103(Bantz/Takamura)

The Office Action rejects claims 1-3, 6-8, 11-12, 18-19 and 32 under 35 U.S.C. 103 as being unpatentable over Bantz (US 2006/0107269) in view of Takamura (US 2004/0167996). Applicant respectfully requests the rejection of claims 1-3, 6-8, 11-12, 18-19 and 32 be withdrawn for the following reasons.

As discussed in M.P.E.P. §2143.01, where the teachings of two or more prior art references conflict, the examiner must weight the power of each reference to suggest solutions to one of ordinary skill in the art, considering the degree to which one reference might accurately discredit the another. *In re Young*, 927 F.2d 588, 18 USPQ2d 1089 (Fed. Cir. 1991).

Claims 1-3, 6-8, 11-12, 18-19 and 32 rejections

As pointed out in our response to Final Office Action mailed on March 2, 2010 that Bantz teaches that a virtual machine does not run on the client platform, and the client platform does not perform any applications. However, the present Office Action appears to rely on paragraph 0006, lines 2-4 for the teaching of executing an application on the client platform, which Applicant respectfully objects.

Paragraph 0006, lines 2-4 and other descriptions of Bantz teaches that the virtual machine hub allows the device local to the user to be plugged in, recognized, and made available to the user while executing on the remote virtual machine. Here, the remote virtual machine is the virtual machine running on the server, rather than on the client platform. Please note that the present Office Action conceded that Bantz does not explicitly teach that the virtual machine runs on the client platform. Further, as pointed out in the response to the Final Office Action, the client platform does not perform any processings, including I/O applications. On the contrary, the I/O applications are executed on the virtual machines of the server.

Applicant respectfully submits that the invention of Bantz is made under the condition that the client platform does not execute any I/O applications and the virtual machine can only operate using devices local to that virtual machine itself. Therefore, there is a need to virtualize the devices local to the user on the server, so that the virtual machine of the server sees the devices as local devices and thus the user accessing the virtual machine of the server can use the local devices. Lines 1-5 of paragraph 0002, lines 1-4 of paragraph 0003 and lines 1-3 of paragraph 0005 explain the drawback and need of the prior art as stated above.

On the contrary, the invention of Takamura is made under the condition that client platform 101 runs I/O applications on itself and the VM comprising operating system 122 and application program 121 of the client platform can use the I/O device 914 local to server 102. Because it is hard to insure that the operating system of the client platform is identical to the operating system of the system platform, there is a need to provide a scheme to perform I/O operations between the above-stated client platform and server platform independently of the operating systems. Takamura, therefore, introduces a hypervisor which is more hardware hierarchy than operating system hierarchy to the client and server platforms. Please refer to lines 3-6, lines 12-16 of paragraph 0007 and lines 2-4 of paragraph 0010.

In light of the above, a skilled person starting from Bantz would not combine with Takamura, or start from Takamura would not combine with Bantz, because the teachings of the two references conflicts and one reference accurately discredits the another. Namely, the client platform of Bantz does not perform any applications and the VM of Bantz can only operate using devices local or appearing to be local to the VM itself, while the client platform of Takamura runs the I/O applications and the VM of Takamura can use the I/O device remote to the VM itself (i.e., VM of the client platform uses the I/O device local to the server). In other words, teachings of the two references conflicts. Therefore, the prima facie case of obviousness can not be established, because there is no suggestion or motivation to combine the reference teachings.

For similar reasons proffered the above, claims 11-12, 18-19 and 32 are patentable over Bantz inview of Takamura.

Response to Examiner's opinions

In the present Office Action, Examiner stated that since Bantz and Takamura are directed toward I/O operations of virtual devices, hence would be considered to be analogue based on their related field of endeavor. Applicant respectfully disagrees.

As stated above, although both of Bantz and Takamura are related to I/O operations of virtual devices, they endeavor to meet different needs under the conditions conflicting to each other and no analogue should be established therebetween.

In the present Office Action, Examiner stated that one would be motivated to combine since Takamura and Bantz are both concerned about compatibility of client/server I/O operations, which Applicant respectfully disagrees.

Although both of Bantz and Takamura concern about compatibility of client/server I/O operations, they actually concern about different compatibilities under different conditions conflicting to each other.

Claims Rejections Under 35 U.S.C. 103(Bantz/Takamura/Kaneda)

The Office Action rejects claims 4-5, 9-10, 15-17, 23-31 and 35-39 under 35. U.S.C. 103 as being unpatentable over Bantz-Takamura in view of Kaneda et al. Each of claims 4-5, 9-10, 15-17, 23-31 and 35-39 include one of claims 11, 18 and 32 as a base claim and are therefore allowable for at least the reasons stated above. Applicant respectfully requests the present rejection of claims 4-5, 9-10, 15-17, 23-31 and 35-39 be withdrawn.

Claims Rejections Under 35 U.S.C. 103(Bantz/Takamura/Knauer)

The Office Action rejects claims 13, 21 and 33-34 under 35. U.S.C. 103 as being unpatentable over Bantz-Takamura in view of Knauerhase et al. Each of claims 13, 21 and 33-34 include one of claims 11, 18 and 32 as a base claim and

are therefore allowable for at least the reasons stated above. Applicant respectfully requests the present rejection of claims 13, 21 and 33-34 be withdrawn.

Conclusion

The foregoing is submitted as a full and complete response to the Official Action. Applicant submits that the application is in condition for allowance. Reconsideration is requested, and allowance of the pending claims is earnestly solicited.

Should it be determined that an additional fee is due under 37 CFR §§1.16 or 1.17, or any excess fee has been received, please charge that fee or credit the amount of overcharge to deposit account no. 02-2666. If the Examiner believes that there are any informalities, which can be corrected by an Examiner's amendment, a telephone call to the undersigned at (503) 439-8778 is respectfully solicited.

Respectfully submitted,

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